

1  
2  
3  
4  
5  
6  
7  
8                   UNITED STATES DISTRICT COURT  
9                   CENTRAL DISTRICT OF CALIFORNIA

10  
11       ANTHONY DEAN JACKSON,                                   NO. CV 11-3861-GW (AGR)  
12                  Plaintiff,  
13                  v.  
14       STATE OF ARIZONA,   ORDER TO SHOW CAUSE  
15                  Defendant.

16  
17                   On May 4, 2011, Plaintiff filed a complaint pursuant to 42 U.S.C. § 1983.  
18

19                   For the reasons discussed below, the Court orders Plaintiff to show cause,  
20                   on or before **June 10, 2011**, why this Court should not recommend dismissal of  
21                   the complaint based on improper venue.

22                   I.

23                   THE COMPLAINT

24                   In 1996, Plaintiff was convicted in Arizona of kidnapping and sexual  
25                   assault. (Complaint at 4); see also *Jackson v. Stewart*, 35 Fed. Appx. 663 (9th  
26                   Cir. 2002); *Jackson v. Maricopa County Public Defender's Office*, 293 F3d. Appx.  
27                   476 (9th Cir. 2008). According to Plaintiff, on April 28, 2011, the Arizona Court of  
28                   Appeals denied his motion for a change of venue. (Complaint at 2.) Plaintiff

1 alleges he was wrongfully convicted because of a false police report, a  
2 warrantless search and seizure, the submission of false information to a grand  
3 jury, and jury tampering. (*Id.*) Plaintiff asks this Court to “assume jurisdiction”  
4 and award \$2,500,000 in damages. (*Id.* at 10.)

11.

## VENUE

7        "A civil action wherein jurisdiction is not founded solely on diversity of  
8 citizenship may, except as otherwise provided by law, be brought only in (1) a  
9 judicial district where any defendant resides, if all defendants reside in the same  
10 State, (2) a judicial district in which a substantial part of the events or omissions  
11 giving rise to the claim occurred, or a substantial part of property that is the  
12 subject of the action is situated, or (3) a judicial district in which any defendant  
13 may be found, if there is no district in which the action may otherwise be brought."  
14 28 U.S.C. § 1391(b); see *Costlow v. Weeks*, 790 F.2d 1486 (9th Cir. 1986)  
15 (applying § 1391(b) to § 1983 claim).

16 The sole defendant is the State of Arizona. All of the events or omissions  
17 giving rise to Plaintiff's claims occurred in Arizona.

18 Accordingly, Plaintiff must explain why his action should not be dismissed  
19 based on improper venue. See *Costlow*, 790 F.2d at 1488 (“the district court  
20 ha[s] the authority to raise the issue of defective venue on its own motion”); see  
21 28 U.S.C. § 1406(a) (“The district court of a district in which is filed a case laying  
22 venue in the wrong . . . district, shall dismiss, or if it be in the interest of justice,  
23 transfer such case to any district . . . in which it could have been brought.”).

1

## **ORDER TO SHOW CAUSE**

IT IS THEREFORE ORDERED that, on or before ***June 10, 2011***, Plaintiff shall show cause, if there be any, why this Court should not dismiss the complaint without prejudice.

1  
2       Plaintiff is advised that if he fails to timely respond to this Order to  
3 Show Cause, the Court will recommend dismissal without prejudice based  
4 on improper venue.

5  
6  
7 DATED: May 10, 2011

8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27  
28

*Alicia G. Rosenberg*  
ALICIA G. ROSENBERG  
United States Magistrate Judge